

REMARKS

The final Office action mailed December 6, 2007, rejected claims 1-26 and 28-34 based on a defective reissue declaration. The Advisory Action mailed January 30, 2009, maintained that the reissue declaration filed in response to the final Office action was also defective. The Advisory Action further indicated that the amendments filed March 30, 2006, and February 16, 2007, do not comply with 37 C.F.R. § 1.173, that the original 6 sheets of drawings must be relabeled to account for the current 7 sheets of drawings, and that there is no disclosure for the additional cord between cords 14 and 17 depicted in Fig. 8.

I. Reissue Declaration

The final Office action stated that the reissue declaration filed with this application “contains an insufficient statement of at least one error which is relied upon to support the reissue application,” citing 37 C.F.R. § 1.175 and MPEP § 1414. The final Office action further stated that the reissue declaration must acknowledge the existence of an error in the specification and/or drawings which error caused the original patent to be defective as evidenced by the submission of new Fig. 8 and the corresponding amendment to the specification.

In particular, the final Office action indicated that the Applicant's arguments in the remarks section of the response filed February 16, 2007, regarding the respective errors “are to be incorporated in the reissue declaration as originally filed,” and noted that a supplemental reissue declaration is required for the additional errors or defects that are corrected in the reissue application after the original reissue declaration.

The Applicant attempted to comply with the final Office action's requirement for a new (supplemental) reissue declaration by filing such declaration with the response filed January 22, 2008. However, as indicated in the Advisory Action mailed January 30, 2009, the Office believes that the new reissue declaration is defective as well.

Therefore, the Applicant submits herewith a new (supplemental) reissue declaration in accordance with 37 C.F.R. § 1.175 and MPEP §§ 1414 and 1414.1.

This reissue declaration specifically states that the Applicant believes original patent 6,422,288 to be wholly or partly inoperative or invalid by reason of the patentee claiming less than the patentee had the right to claim in the patent. This reissue declaration also states that the at least one error being relied upon as the basis for reissue is that claim 1 recites "a guiding loop" and interrelations of the guiding loop with the bead, the engaging collar, and the auxiliary tilt cord, and that the patentee claimed less than he had the right to claim in the patent by including these recitations in claim 1. As such, the Applicant respectfully submits that this reissue declaration fully complies with 37 C.F.R. § 1.175(a)(1).

This reissue declaration also states that all errors being corrected in the reissue application arose without any deceptive intention on the part of the Applicant. This reissue declaration specifically refers to the filing of the reissue application and the amendments filed March 30, 2006, and February 16, 2007. As such, the Applicant respectfully submits that this reissue declaration fully complies with 37 C.F.R. § 1.175(a)(2).

As this reissue declaration covers all of the errors corrected in this reissue application, the Applicant respectfully submits that this reissue declaration fully complies with 37 C.F.R. § 1.175(b)(1) as well.

As this reissue declaration includes a restatement of the at least one error being relied upon as the basis for reissue, the Applicant respectfully traverses the positions taken by the Office with respect to the alleged deficiencies of the prior declarations.

The Applicant respectfully submits that new independent claim 24 is broader than claim 1 of the issued patent. The specific claim language of claim 1 wherein lies the error is identified as the recitations of “a guiding loop” and the interrelation of the guiding loop with the bead, the engaging collar, and the auxiliary tilt cord. Thus, new claim 24 presents a newly added claim that claims more than the original patent.

As such, the at least one error being relied upon as the basis for reissue is that the patentee claimed less than he was entitled to in the patent, not “. . . failure to include claims directed to . . .” as mischaracterized in the final Office action. The Applicant respectfully submits that the statement in this reissue declaration is entirely sufficient to satisfy the requirement without any further statement, in accordance with MPEP § 1414(I).

In particular, the Applicant respectfully submits that there is no requirement to “acknowledge the existence of an error in the specification and/or drawings,” contrary to the assertion in the final Office action. Regardless of whether or not the submission of new Fig. 8 and the corresponding amendment to the specification “caused the original patent to be defective,” the Applicant need only specify in the reissue declaration one error upon which reissue is based. As MPEP § 1414(II) specifically states, “[w]here

applicant specifies one such error, this requirement of a reissue oath/declaration is satisfied.”

Also, the Applicant respectfully submits that this reissue declaration satisfies the need for any supplemental declaration in accordance with MPEP § 1414.1. As noted above, this reissue declaration references the filing of the reissue application and the amendments filed March 30, 2006, and February 16, 2007. Thus, this reissue declaration states that all errors corrected in this reissue application arose without deceptive intention on the part of the Applicant.

Further, the Applicant respectfully submits that the assertion in the Advisory Action with respect to claim 1 that this does not set forth a sufficient statement of error is incorrect. The Advisory Action alleges that this is so because “the engaging means of claim 24 does not preclude the feature of a guiding loop” and the feature of a guiding loop is encompassed by the recitation of the engaging means.” However, such analysis is inapposite because it improperly focuses on the corrective action taken rather than the stated error.

The at least one error specified in this reissue declaration is the recitations of “a guiding loop” and its interrelations with other claimed elements. By including such recitations in claim 1, the patentee claimed less than he was entitled to in the patent, which is the stated error in this reissue declaration. As set forth in MPEP § 1414(II), “it is sufficient that the reissue oath/declaration identify a single word, phrase or expression . . . in an original claim, and how it renders the original patent wholly or partly inoperative or invalid.” This reissue declaration identifies language of original claim 1 of

the patent and states that the patentee claimed less than he was entitled to in the patent by including such language in claim 1.

Whether the engaging means recited in claim 24 encompasses the feature of a guiding loop is irrelevant. Rather, it is sufficient to correct the error of claiming less than the patentee was entitled to claim by having the engaging means recited in claim 24 not require the feature of a guiding loop.

II. Amendments to the Specification and Claims

By this Amendment and Response, the Applicant represents the amendments to the specification originally submitted in the response filed March 30, 2006, and represents the amendments to the claims originally submitted in the response filed February 16, 2007. These amendments are presented with markings pursuant to 37 C.F.R. § 1.173(d)(2).

The Applicant respectfully notes that the cancellation of claim 27 required renumbering of originally filed claims 28-34 as 27-33, respectively, and correction of the dependency in originally filed claims 30, 31, 33 and 34.

III. Amendments to the Drawings

By this Amendment and Response, the Applicant submits replacement sheets for Figs. 1-8 that include updated labels to reflect the current total of 7 drawing sheets.

Also, reference numeral 33 is added to Fig. 8 to identify the "additional cord disposed between the cords 14 and 17" noted in the Advisory Action. The Applicant respectfully submits that Fig. 8 depicts a conventional loop 33 of the material of the rear and front, vertical members 17, 18. This structure is described with respect to Fig. 4 in column 6, line 61 through column 7, line 3.

Because the description in column 10, line 65 through column 11, line 8 supporting new Fig. 8 is a description of a modification of the embodiments described earlier in the patent specification, it should be well-understood that the “additional cord disposed between the cords 14 and 17” depicted in Fig. 8 corresponds to the conventional loop 33 depicted between left auxiliary tilt cord 14 and front, vertical member 17 in Fig. 4. Thus, the Applicant respectfully submits that there is sufficient disclosure for the “additional cord” depicted in Fig. 8.

IV. Petition to Revive

This Amendment and Response is filed concurrently with a Petition to Revive this reissue application in view of the aforementioned Advisory Action and the Notice of Abandonment mailed February 13, 2009. For at least the reasons set forth in the Petition, the Applicant believes that abandonment of this reissue application should be withdrawn.

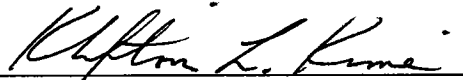
V. Conclusion

There being no other objections or rejections in the application, the Applicant believes this reissue application is in condition for allowance and courteously requests such action.

This Amendment and Response is filed concurrently with an RCE, along with a petition and fee for a three-month extension of time, as calculated from the mailing date of the Advisory Action. The Applicant believes that no further fees or petitions are required. However, if any such petitions or fees are necessary, please consider this a request therefore and authorization to charge Deposit Account No. 04-1415 accordingly.

Dated this 27th day of March 2009.

Respectfully submitted,



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